

~~FILED  
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2007 JAN 11 A 4:24~~

~~U.S. DISTRICT COURT  
DISTRICT OF MASS~~

PETER B. MCGLYNN

DIRECT DIAL: (617) 790-3390

E-MAIL: PMCGLYNN@BG-LLP.COM

January 10, 2007

***Via Hand Delivery***

Sarah A. Thornton, Clerk  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

**FILED**  
Clerk's Office  
USDC, Mass.  
Date 1/10/2007  
By M.P.  
Deputy Clerk

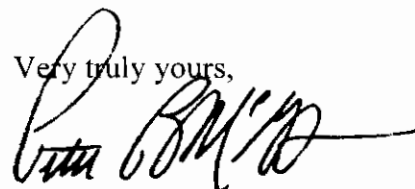
Re: *Blue Hills Office Park, LLC v. J.P. Morgan, et al.*  
Civil Action No. 05-10506-WGY

Dear Ms. Thornton:

In connection with the above-referenced action, enclosed herewith please find a *supersedeas* bond issued pursuant to Fed. R. Civ. P. 62(d) in the principal sum of \$16,997,792.77 given by Gerald Fineberg as principal and United States Surety Company as surety.

We are also enclosing a Notice of Appeal of the Judgment entered on December 21, 2006 on behalf of Gerald Fineberg and Blue Hills Office Park, LLC. However, please note that there is presently pending before Judge Young a motion filed on behalf of Gerald Fineberg and Blue Hills Office Park, LLC pursuant to Fed. R. Civ. P. 59 to alter or amend the Judgment.

Please file and docket the enclosures and date-stamp copies of the documents also enclosed herewith. Thank you for your time and cooperation.

Very truly yours,  
  
Peter B. McGlynn

Encl.  
PBM:kon  
cc: Bruce Falby, Esq.  
415861 v1/38279/1

125 SUMMIT STREET  
BOSTON, MA 02110-1621  
617.790.3000 T  
617.790.3300 F  
WWW.BG-LLP.COM

ISSUED THROUGH

# A. A. DORITY COMPANY

FILED  
CLERKS OFFICE

UNITED STATES DISTRICT COURT  
District of Massachusetts

2007 JAN 11 A 4:25

U.S. DISTRICT COURT  
DISTRICT OF MASS.

BLUE HILLS OFFICE PARK LLC,

Plaintiff,  
Defendant-in-Counterclaim

v.

CIVIL ACTION No. 05-10506-WGY

J.P. MORGAN CHASE BANK, as  
Trustee for the Registered Holders  
of Credit Suisse First Boston Mortgage  
Securities Corp., Commercial Mortgage  
Pass-Through Certificates, Series 1999-C1,

Defendant

and CSFB 1999 - C1 Royall Street, LLC,  
Defendant  
Plaintiff-in-Counterclaim

and

William Langelier and Gerald Fineberg,  
Defendants-in-Counterclaim

KNOW ALL MEN BY THESE PRESENTS, that we,

Gerald Fineberg, as Principal, and the United States Surety Company, a corporation duly organized and existing under the laws of the State of Maryland, as Surety, are hereby jointly and severally bound unto, J.P. Morgan Chase Bank, as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 1999-C1 and CSFB 1999 - C1 Royall Street, LLC, as Obligees, in the penal sum of Sixteen Million Nine Hundred Ninety Seven Thousand Seven Hundred Ninety Two and 77/100 (\$16,997,792.77) Dollars, to be paid to the said Obligees, certain attorney, successors, executors, administrators, successors and assigns to which payment to be well and truly to be made we bind ourselves our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

WHEREAS, a judgment was entered in favor of the above named Obligees, and the said Principal has filed notice of appeal from said judgment to the United States Court of Appeals for the First Circuit.

NOW, THEREFORE, the condition of this obligation is such that if the said Principal, as Appellant, shall prosecute appeal with effect and shall satisfy the said judgment in full together with costs, interest and damages for delay if said appeal is dismissed or if the judgment is affirmed, and shall satisfy in full such modification of the judgment and costs, interest and damages as may be adjudged and awarded by said court, then this obligation to be void; otherwise to remain in full force and effect. This bond is subject to all applicable federal statutes and rules, including, but not limited to, Local Rule 67.1 of the United States District Court for the District of Massachusetts. This bond is secured by the guaranty of a corporation holding a certificate of authority from the Secretary of the Treasury pursuant to 6 U.S.C. Sec. 8.

DATED this 10th day of January, 2007

✓ Philip B. Crawford, Attorney-in-Fact for Gerald Fineberg  
Gerald Fineberg

Bond No. 1000755455

United States Surety Company

By: 

Philip B. Crawford Attorney-in-Fact  
A.A. Darity Company, Inc.  
262 Washington Street, Boston, Ma. 02108

**UNITED STATES SURETY COMPANY**FILED  
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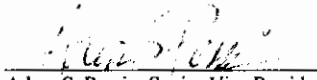
KNOWN ALL MEN BY THESE PRESENTS: That United States Surety Company (the "Company"), a corporation organized and existing under the laws of the State of Maryland, does hereby constitute and appoint: **Philip B. Crawford of Boston, Massachusetts**

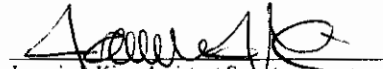
its true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety, to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof of the Company in its business of providing suretyship; guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law, subject to the following limitations:

**No single bond shall obligate the Company in excess of the sum of Twenty Million Dollars (\$20,000,000.00).**

This Power of Attorney is granted under and by authority of the following Resolutions adopted by the Board of Directors of United States Surety Company on the 29<sup>th</sup> day of July, 1996.

IN WITNESS WHEREOF, United States Surety Company has caused these presents to be signed by its proper officers, and its corporate seal to be hereunto affixed this 5<sup>th</sup> day of January, 2007.

  
Adam S. Pessin, Senior Vice President

  
Jeannie J. Kim, Assistant Secretary

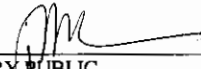
STATE OF CALIFORNIA  
LOS ANGELES COUNTY

SS:

On this 5<sup>th</sup> day of January, A. D. 2007, before me personally came Adam S. Pessin, Senior Vice President of the United States Surety Company, and Jeannie J. Kim, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Adam S. Pessin and Jeannie J. Kim were respectively the Senior Vice President and Assistant Secretary of the United States Surety Company, the corporation described in and which executed the foregoing Power of Attorney.



(Signed)

  
NOTARY PUBLIC  
My Commission expires the 20 day in April, 2008.

RESOLVED, that in connection with the surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to any Power of Attorney issued in accordance with these resolutions ("Powers of Attorney"). All Powers of Attorney for and on behalf of the Company shall be executed in the name and on behalf of the Company, either by the Chair, the President, a Vice President or Executive Vice President jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signatures of such officers and the seal of the Company may be also be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof. Subject to any limitations set forth therein and unless such Power of Attorney is subsequently revoked, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company, and any such Power of Attorney so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

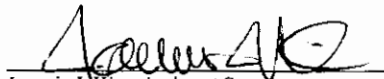
RESOLVED, that Attorney(s)-in-Fact shall have the power and authority, subject to the terms and limitations of the Power of Attorney issued to them and unless subsequently revoked, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by the Company's Chair, the President, a Vice President, or Executive Vice President and sealed and attested to by the Corporate Secretary or an Assistant Secretary.

I, Jeannie J. Kim, Assistant Secretary of United States Surety Company, do hereby certify that the foregoing is a true excerpt from the Resolution of the said Company as adopted by its Board of Directors on the 29<sup>th</sup> day of July, 1996, and that this Resolution is in full force and effect.

I, the undersigned Assistant Secretary of United States Surety Company, do hereby certify that the foregoing Power of Attorney is in full force and affect and has not been revoked.

In testimony whereof, I have hereunto set my hand and the seal of United States Surety Company on this 5<sup>th</sup> day of January, 2007.

Bond No. 1000755455

  
Jeannie J. Kim, Assistant Secretary

Agency No. #13127

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

2007 JAN 11 A 4:26

BLUE HILLS OFFICE PARK LLC,

Plaintiffs,  
Defendants-in-Counterclaim,

vs.

J.P. MORGAN CHASE BANK, as Trustee  
for the Registered Holders of Credit  
Suisse First Boston Mortgage  
Securities Corp., Commerical Mortgage  
Pass-Through Certificates, Series  
1999-C1,

Defendant,

and CSFB 1999 - C1 Royall, Street,  
LLC,

Defendant,  
Plaintiff-in-Counterclaim,

and

WILLIAM LANGEIER and GERALD  
FINEBERG,

Defendants-in-Counterclaim.

Case No.: No.: 05-10506-SWGM  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

Civil Action

DECLARATION OF ADAM PESSIN RE: U.S.  
SURETY COMPANY BOND 1000755455

I, Adam Pessin, declare as follows:

1. I am a Senior Vice President of U.S. Surety Company,  
a company authorized to do business with the United  
States as a surety on bonds and undertakings  
pursuant to 31 C.F.R. 223.1.
2. If called as a witness, I would and could testify to  
the following facts.

3. U.S. Surety Company has issued bond 1000755455 on behalf of Gerald Fineberg in the amount of \$16,997,792.77.
4. To limit U.S. Surety Company's risk prescribed in 31 C.F.R. 223.10, U.S. Surety Company accepted cash collateral from Gerald Fineberg for the full amount of the bond. This money has not been pledged or assigned as a security for any other purpose other than for the bond U.S. Surety Company posted on behalf of Gerald Fineberg.
5. Pursuant to 31 C.F.R. 223.11(c)(1), U.S. Surety Company complies with the limitation of risk prescribed in section 223.10 by accepting this cash deposit in trust for its protection.

I declare under penalty of perjury that the foregoing is true and correct and that I signed this declaration on January 10, 2007.



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Adam Pessin, Senior Vice President

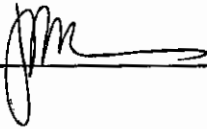
**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On January 10, 2007 before me, Jacki Layfield, notary public, personally appeared Adam Pessin, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


**OPTIONAL**

*Though law does not require the following information, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- ☐ INDIVIDUAL  
☒ CORPORATE OFFICER

Senior Vice President

- ☐ PARTNER (S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE (S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Declaration of Adam Pessin

TITLE OR TYPE OF DOCUMENT

2

NUMBER OF PAGES

January 10, 2007

DATE OF DOCUMENT

**SIGNER IS REPRESENTING:**  
 NAME OF PERSON (S) OR ENTITY (IES)

U.S. Surety Company

OTHER

RIGHT THUMBPRINTING OF SIGNER: